

AMENDED IN ASSEMBLY JUNE 4, 1997  
AMENDED IN ASSEMBLY JUNE 2, 1997  
AMENDED IN ASSEMBLY APRIL 16, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1078**

**Introduced by Assembly Member Cardoza**

February 27, 1997

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An act to amend Section 290 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1078, as amended, Cardoza. Sex offenders: registration.

Existing law requires persons convicted of specified sex crimes to register with local law enforcement officials upon their release, discharge, or parole and to annually update that registration. Willful failure to register or update the registration is either a misdemeanor or a felony, depending upon ~~the circumstances of the violation or the seriousness of the offense for which the person is required to register~~ *whether the crime is based on a misdemeanor or a felony, or a specified sex offense*. A *failure to register or update the registration based on a misdemeanor conviction for specified sex offenses or a felony-violation conviction* is punishable by imprisonment in the state prison for 16 months, or 2 or 3 years.

This bill would provide that willful failure to register or update the registration based on any felony conviction is a

felony punishable by imprisonment in the state prison for 2, 3, or 4 years. ~~By increasing the punishment for an existing crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~ *no*.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 290 of the Penal Code is  
2 amended to read:

3 290. (a) (1) Every person described in paragraph  
4 (2), for the rest of his or her life while residing in  
5 California, shall be required to register with the chief of  
6 police of the city in which he or she is domiciled, or the  
7 sheriff of the county if he or she is domiciled in an  
8 unincorporated area, and, additionally, with the chief of  
9 police of a campus of the University of California or the  
10 California State University if he or she is domiciled upon  
11 the campus or in any of its facilities, within five working  
12 days of coming into any city, county, or city and county  
13 in which he or she temporarily resides or is domiciled for  
14 that length of time. The person shall be required annually  
15 thereafter, within five working days of his or her birthday,  
16 to update his or her registration with the entities  
17 described in this paragraph, including, verifying his or  
18 her name and address on a form as may be required by  
19 the Department of Justice.

20 (2) The following persons shall be required to register  
21 pursuant to paragraph (1):

22 (A) Any person who, since July 1, 1944, has been or is  
23 hereafter convicted in any court in this state or in any  
24 federal or military court of a violation of subdivision (b)  
25 of Section 207, kidnapping, as punishable pursuant to  
26 subdivision (d) of Section 208, Section 220, except assault

1 to commit mayhem, Section 243.4, paragraph (1), (2),  
 2 (3), (4), or (6) of subdivision (a) of Section 261 or  
 3 paragraph (1) of subdivision (a) of Section 262 involving  
 4 the use of force or violence for which the person is  
 5 sentenced to the state prison, Section 264.1, 266, 266c,  
 6 266j, 267, 285, 286, 288, 288a, 288.5, or 289, subdivision (b),  
 7 (c), or (d) of Section 311.2, Section 311.3, 311.4, 311.10,  
 8 311.11, or 647.6, former Section 647a, subdivision (d) of  
 9 Section 647, subdivision 1 or 2 of Section 314, any offense  
 10 involving lewd and lascivious conduct under Section 272,  
 11 or any felony violation of Section 288.2; or any person who  
 12 since that date has been or is hereafter convicted of the  
 13 attempt to commit any of the above-mentioned offenses.

14 (B) Any person who, since July 1, 1944, has been or  
 15 hereafter is released, discharged, or paroled from a penal  
 16 institution where he or she was confined because of the  
 17 commission or attempted commission of one of the  
 18 offenses described in subparagraph (A).

19 (C) Any person who, since July 1, 1944, has been or  
 20 hereafter is determined to be a mentally disordered sex  
 21 offender under Article 1 (commencing with Section  
 22 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare  
 23 and Institutions Code.

24 (D) Any person who, since July 1, 1944, has been, or is  
 25 hereafter convicted in any other court, including any  
 26 federal or military court, of any offense which, if  
 27 committed or attempted in this state, would have been  
 28 punishable as one or more of the offenses described in  
 29 subparagraph (A).

30 (E) Any person ordered by any court to register  
 31 pursuant to this section for any offense not included  
 32 specifically in this section if the court finds at the time of  
 33 conviction that the person committed the offense as a  
 34 result of sexual compulsion or for purposes of sexual  
 35 gratification. The court shall state on the record the  
 36 reasons for its findings and the reasons for requiring  
 37 registration.

38 (b) Any person who, after August 1, 1950, is released,  
 39 discharged, or paroled from a jail, state or federal prison,  
 40 school, road camp, or other institution where he or she

1 was confined because of the commission or attempted  
2 commission of one of the offenses specified in subdivision  
3 (a) or is released from a state hospital to which he or she  
4 was committed as a mentally disordered sex offender  
5 under Article 1 (commencing with Section 6300) of  
6 Chapter 2 of Part 2 of Division 6 of the Welfare and  
7 Institutions Code, shall, prior to discharge, parole, or  
8 release, be informed of his or her duty to register under  
9 this section by the official in charge of the place of  
10 confinement or hospital, and the official shall require the  
11 person to read and sign any form that may be required by  
12 the Department of Justice, stating that the duty of the  
13 person to register under this section has been explained  
14 to the person. The official in charge of the place of  
15 confinement or hospital shall obtain the address where  
16 the person expects to reside upon his or her discharge,  
17 parole, or release and shall report the address to the  
18 Department of Justice. The official in charge of the place  
19 of confinement or hospital shall give one copy of the form  
20 to the person and shall send one copy to the Department  
21 of Justice and one copy to the appropriate law  
22 enforcement agency or agencies having jurisdiction over  
23 the place the person expects to reside upon discharge,  
24 parole, or release. If the conviction which makes the  
25 person subject to this section is a felony conviction, the  
26 official in charge shall, not later than 45 days prior to the  
27 scheduled release of the person, send one copy to the  
28 appropriate law enforcement agency or agencies having  
29 local jurisdiction where the person expects to reside upon  
30 discharge, parole, or release; one copy to the prosecuting  
31 agency that prosecuted the person; and one copy to the  
32 Department of Justice. The official in charge of the place  
33 of confinement shall retain one copy.

34 (c) Any person who, after August 1, 1950, is convicted  
35 in this state of the commission or attempted commission  
36 of any of the offenses specified in subdivision (a) and who  
37 is released on probation or discharged upon payment of  
38 a fine shall, prior to release or discharge, be informed of  
39 the duty to register under this section by the court in  
40 which the person has been convicted, and the court shall

1 require the person to read and sign any form that may be  
2 required by the Department of Justice, stating that the  
3 duty of the person to register under this section has been  
4 explained to him or her. The court shall obtain the address  
5 where the person expects to reside upon release or  
6 discharge and shall report within three days the address  
7 to the Department of Justice. The court shall give one  
8 copy of the form to the person, send one copy to the  
9 Department of Justice, and forward one copy to the  
10 appropriate law enforcement agency or agencies having  
11 local jurisdiction where the person expects to reside upon  
12 his or her discharge, parole, or release.

13 (d) (1) Any person who, on or after January 1, 1986,  
14 is discharged or paroled from the Department of the  
15 Youth Authority to the custody of which he or she was  
16 committed after having been adjudicated a ward of the  
17 court pursuant to Section 602 of the Welfare and  
18 Institutions Code because of the commission or  
19 attempted commission of any offense described in  
20 paragraph (3) shall be subject to registration under the  
21 procedures of this section.

22 (2) Any person who, on or after January 1, 1995, is  
23 discharged or paroled from a facility in another state that  
24 is equivalent to the Department of the Youth Authority,  
25 to the custody of which he or she was committed because  
26 of an offense which, if committed or attempted in this  
27 state, would have been punishable as one or more of the  
28 offenses described in paragraphs (3) and (4), shall be  
29 subject to registration under the procedures of this  
30 section.

31 (3) The following offenses shall apply for the purpose  
32 of this subdivision:

33 (A) Assault with intent to commit rape, sodomy, oral  
34 copulation, or any violation of Section 264.1, 288, or 289  
35 under Section 220.

36 (B) Any offense defined in Section 288 or 288.5,  
37 paragraph (1) of subdivision (b) of, or subdivision (c) or  
38 (d) of, Section 286, paragraph (1) of subdivision (b) of,  
39 or subdivision (c) or (d) of, Section 288a, paragraph (2)  
40 of subdivision (a) of Section 261, subdivision (a) of

1 Section 289, subdivision (b) of Section 207, or kidnapping,  
2 as punishable pursuant to subdivision (d) of Section 208.

3 (C) Any offense under Section 264.1 involving rape in  
4 concert with force or fear of bodily injury or penetration  
5 by any foreign object in concert with force or fear of  
6 bodily injury.

7 (4) Any person who is discharged or paroled from the  
8 Department of the Youth Authority to the custody of  
9 which he or she was committed after having been  
10 adjudicated a ward of the court pursuant to Section 602  
11 of the Welfare and Institutions Code because of the  
12 commission or attempted commission of the offense set  
13 forth in Section 647.6, occurring on or after January 1,  
14 1988, shall be subject to registration under the procedures  
15 of this section.

16 (5) Prior to discharge or parole from the Department  
17 of the Youth Authority, any person who is subject to  
18 registration shall be informed of the duty to register  
19 under the procedures set forth in this section.  
20 Department of the Youth Authority officials shall  
21 transmit the required forms and information to the  
22 Department of Justice.

23 (6) All records specifically relating to the registration  
24 in the custody of the Department of Justice, law  
25 enforcement agencies, and other agencies or public  
26 officials shall be destroyed when the person who is  
27 required to register has his or her records sealed under  
28 the procedures set forth in Section 781 of the Welfare and  
29 Institutions Code. This subdivision shall not be construed  
30 as requiring the destruction of other criminal offender or  
31 juvenile records relating to the case that are maintained  
32 by the Department of Justice, law enforcement agencies,  
33 the juvenile court, or other agencies and public officials  
34 unless ordered by a court under Section 781 of the  
35 Welfare and Institutions Code.

36 (e) (1) The registration shall consist of all of the  
37 following:

38 (A) A statement in writing signed by the person,  
39 giving information as may be required by the  
40 Department of Justice.



1 (B) The fingerprints and photograph of the person.

2 (C) The license plate number of any vehicle owned by  
3 or registered in the name of the person.

4 (2) Within three days thereafter, the registering law  
5 enforcement agency or agencies shall forward the  
6 statement, fingerprints, photograph, and vehicle license  
7 plate number, if any, to the Department of Justice.

8 (f) If any person who is required to register pursuant  
9 to this section changes his or her name or residence  
10 address, the person shall inform, in writing within five  
11 working days, the law enforcement agency or agencies  
12 with whom he or she last registered of the new name or  
13 address. The law enforcement agency or agencies shall,  
14 within three days after receipt of this information,  
15 forward it to the Department of Justice. The Department  
16 of Justice shall forward appropriate registration data to  
17 the law enforcement agency or agencies having local  
18 jurisdiction of the new place of residence.

19 (g) (1) Any person who is required to register under  
20 this section based on a misdemeanor conviction who  
21 willfully violates this section is guilty of a misdemeanor  
22 punishable by imprisonment in a county jail not  
23 exceeding one year.

24 (2) Any person who is required to register under this  
25 section based on a felony conviction who willfully violates  
26 this section is guilty of a felony and shall be punished by  
27 imprisonment in the state prison for two, three, or four  
28 years.

29 (3) (A) *Notwithstanding paragraph (1), any person*  
30 *convicted of a misdemeanor violation of paragraph (1) of*  
31 *subdivision (b) or subdivision (e) or (h) of Section 286,*  
32 *subdivision (c) of Section 288, paragraph (1) of*  
33 *subdivision (b) or subdivision (e) or (h) of Section 288a,*  
34 *or subdivision (c) or (h) of Section 289, who is required*  
35 *to register under this section for a misdemeanor offense*  
36 *only, and who willfully violates this section is guilty of a*  
37 *felony and shall be punished by imprisonment in the state*  
38 *prison for 16 months, or two or three years.*

39 (B) *Notwithstanding paragraph (1), any person*  
40 *required to register under this section for a misdemeanor*

1 offense only, who has a prior conviction for the offense of  
2 failing to register under this section, and who then  
3 willfully fails again to register under this section is guilty  
4 of a felony and shall be punished by imprisonment in the  
5 state prison for 16 months, or two or three years.

6 (C) A person punished pursuant to this paragraph or  
7 paragraph (2), who is sentenced to felony probation for  
8 violating this section, shall be sentenced to serve a term  
9 of not less than 90 days in a county jail. In no event does  
10 the court have the power to absolve a person who  
11 willfully violates this section from the obligation of  
12 spending at least 90 days of confinement in a county jail  
13 and of completing probation of at least one year.

14 (D) If the person has been sentenced to a term of  
15 imprisonment in the state prison, the penalty described  
16 in this paragraph shall apply whether or not the person  
17 has been released on parole or has been discharged from  
18 parole.

19 (4) If, after discharge from parole, the person is  
20 convicted of a felony as specified in this subdivision, he or  
21 she shall be required to complete parole of at least one  
22 year, in addition to any other punishment imposed under  
23 this subdivision. A person convicted of a felony as  
24 specified in this subdivision may be granted probation  
25 only in the unusual case where the interests of justice  
26 would best be served. When probation is granted under  
27 this paragraph, the court shall specify on the record and  
28 shall enter into the minutes the circumstances indicating  
29 that the interests of justice would best be served by the  
30 disposition.

31 (h) Whenever any person is released on parole or  
32 probation and is required to register under this section  
33 but fails to do so within the time prescribed, the parole  
34 authority, the Youthful Offender Parole Board, or the  
35 court, as the case may be, shall order the parole or  
36 probation of the person revoked. For purposes of this  
37 subdivision, "parole authority" has the same meaning as  
38 described in Section 3000.

39 (i) Except as provided in subdivisions (m) and (n) and  
40 Section 290.4, the statements, photographs, and



1 fingerprints required by this section shall not be open to  
2 inspection by the public or by any person other than a  
3 regularly employed peace officer or other law  
4 enforcement officer.

5 (j) In any case in which a person who would be  
6 required to register pursuant to this section for a felony  
7 conviction is to be temporarily sent outside the institution  
8 where he or she is confined on any assignment within a  
9 city or county including firefighting, disaster control, or  
10 of whatever nature the assignment may be, the local law  
11 enforcement agency having jurisdiction over the place or  
12 places where the assignment shall occur shall be notified  
13 within a reasonable time prior to removal from the  
14 institution. This subdivision shall not apply to any person  
15 who is temporarily released under guard from the  
16 institution where he or she is confined.

17 (k) As used in this section, “mentally disordered sex  
18 offender” includes any person who has been determined  
19 to be a sexual psychopath or a mentally disordered sex  
20 offender under any provision which, on or before January  
21 1, 1976, was contained in Division 6 (commencing with  
22 Section 6000) of the Welfare and Institutions Code.

23 (l) (1) Every person who, prior to January 1, 1985, is  
24 required to register under this section, shall be notified  
25 whenever he or she next reregisters of the reduction of  
26 the registration period from 30 to 14 days. This notice shall  
27 be provided in writing by the registering agency or  
28 agencies. Failure to receive this notification shall be a  
29 defense against the penalties prescribed by subdivision  
30 (g) if the person did register within 30 days.

31 (2) Every person who, prior to January 1, 1997, is  
32 required to register under this section, shall be notified  
33 whenever he or she next reregisters of the reduction of  
34 the registration period from 14 to five working days. This  
35 notice shall be provided in writing by the registering  
36 agency or agencies. Failure to receive this notification  
37 shall be a defense against the penalties prescribed by  
38 subdivision (g) if the person did register within 14 days.

39 (m) (1) When a peace officer reasonably suspects,  
40 based on information that has come to his or her attention

1 through information provided by any peace officer or  
2 member of the public, that a child or other person may  
3 be at risk from a sex offender convicted of a crime listed  
4 in paragraph (1) of subdivision (a) of Section 290.4, a law  
5 enforcement agency may, notwithstanding any other  
6 provision of law, provide any of the information specified  
7 in paragraph (2) of this subdivision about that registered  
8 sex offender that the agency deems relevant and  
9 necessary to protect the public, to the following persons,  
10 agencies, or organizations the offender is likely to  
11 encounter, including, but not limited to, the following:

12 (A) Public and private educational institutions, day  
13 care establishments, and establishments and  
14 organizations that primarily serve individuals likely to be  
15 victimized by the offender.

16 (B) Other community members at risk.

17 (2) The information that may be disclosed pursuant to  
18 this section includes the following:

19 (A) The offender's full name.

20 (B) The offender's known aliases.

21 (C) The offender's gender.

22 (D) The offender's race.

23 (E) The offender's physical description.

24 (F) The offender's photograph.

25 (G) The offender's date of birth.

26 (H) Crimes resulting in registration under this section.

27 (I) The offender's address, which must be verified  
28 prior to publication.

29 (J) Description and license plate number of offender's  
30 vehicles or vehicles the offender is known to drive.

31 (K) Type of victim targeted by the offender.

32 (L) Relevant parole or probation conditions, such as  
33 one prohibiting contact with children.

34 (M) Dates of crimes resulting in classification under  
35 this section.

36 (N) Date of release from confinement.

37 However, information disclosed pursuant to this  
38 subdivision shall not include information that would  
39 identify the victim.

1 (3) If a law enforcement agency discloses information  
2 pursuant to this subdivision, it shall include, with the  
3 disclosure, a statement that the purpose of the release of  
4 the information is to allow members of the public to  
5 protect themselves and their children from sex offenders.

6 (4) For purposes of this section, “likely to encounter”  
7 means both of the following:

8 (A) That the agencies, organizations, or other  
9 community members are in a location or in close  
10 proximity to a location where the offender lives or is  
11 employed, or that the offender visits or is likely to visit on  
12 a regular basis.

13 (B) The types of interaction that ordinarily occur at  
14 that location and other circumstances indicate that  
15 contact with the offender is reasonably probable.

16 (5) For purposes of this section, “reasonably suspects”  
17 means that it is objectively reasonable for a peace officer  
18 to entertain a suspicion, based upon facts that could cause  
19 a reasonable person in a like position, drawing when  
20 appropriate on his or her training and experience, to  
21 suspect that a child or other person is at risk.

22 (6) For purposes of this section, “at risk” means a  
23 person is or may be exposed to a risk of becoming a victim  
24 of a sex offense committed by the offender.

25 (7) A law enforcement agency may continue to  
26 disclose information on an offender under this  
27 subdivision for as long as the offender is included in  
28 Section 290.4.

29 (n) In addition to the procedures set forth elsewhere  
30 in this section, a law enforcement agency may advise the  
31 public of the presence of high-risk sex offenders in its  
32 community pursuant to this subdivision.

33 (1) For purposes of this subdivision:

34 (A) A high-risk sex offender is a person who has been  
35 convicted of an offense for which registration is required  
36 under paragraph (2) of subdivision (a) and also meets  
37 one of the following criteria:

38 (i) Has been convicted of three or more violent sex  
39 offenses, at least two of which were brought and tried  
40 separately.

1 (ii) Has been convicted of two violent sex offenses and  
2 one or more violent nonsex offenses, at least two of which  
3 were brought and tried separately.

4 (iii) Has been convicted of one violent sex offense and  
5 two or more violent nonsex offenses, at least two of which  
6 were brought and tried separately.

7 (iv) Has been convicted of either two violent sex  
8 offenses or one violent sex offense and one violent nonsex  
9 offense, at least two of which were brought and tried  
10 separately, and has been arrested on separate occasions  
11 for three or more violent sex offenses, violent nonsex  
12 offenses, or associated offenses.

13 (B) A violent sex offense means any offense defined in  
14 Section 220, except attempt to commit mayhem, 261,  
15 264.1, 286, 288, 288a, 288.5, 289, or 647.6, or infliction of  
16 great bodily injury during the commission of a sex offense,  
17 as provided in Section 12022.8.

18 (C) A violent nonsex offense means any offense  
19 defined in Section 187, subdivision (a) of Section 192, 203,  
20 206, 207, 236, provided that the offense is a felony,  
21 subdivision (a) of Section 273a, 273d, or 451, or attempted  
22 murder, as defined in Sections 187 and 664.

23 (D) An associated offense means any offense defined  
24 in Section 243.4, provided that the offense is a felony,  
25 Section 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, 311.7, 314,  
26 459, provided the offense is of the first degree, 597, 646.9,  
27 subdivision (d), (h), or (i) of Section 647, 653m, or  
28 infliction of great bodily injury during the commission of  
29 a felony, as defined in Section 12022.7.

30 (E) For purposes of subparagraphs (B) to (D),  
31 inclusive, an arrest or conviction for the statutory  
32 predecessor of any of the enumerated offenses, or an  
33 arrest or conviction in any other jurisdiction for any  
34 offense which, if committed or attempted in this state,  
35 would have been punishable as one or more of the  
36 offenses described in those subparagraphs, is to be  
37 considered in determining whether an offender is a  
38 high-risk sex offender.

39 (F) For purposes of subparagraphs (B) to (D),  
40 inclusive, an arrest as a juvenile or an adjudication as a

ward of the juvenile court within the meaning of Section 602 of the Welfare and Institutions Code for any of the offenses described in those subparagraphs is to be considered in determining whether an offender is a high-risk sex offender.

(G) Notwithstanding subparagraphs (A) to (D), inclusive, an offender shall not be considered to be a high-risk sex offender if either of the following apply:

(i) The offender's most recent conviction or arrest for an offense described in subparagraphs (B) to (D), inclusive, occurred more than five years prior to the high-risk assessment by the Department of Justice, excluding periods of confinement.

(ii) The offender notifies the Department of Justice, on a form approved by the department and available at any sheriff's office, that he or she has not been convicted in the preceding 15 years, excluding periods of confinement, of an offense for which registration is required under paragraph (2) of subdivision (a), and the department is able, upon exercise of reasonable diligence, to verify the information provided in paragraph (2).

(H) "Confinement" means confinement in a jail, prison, school, road camp, or other penal institution, confinement in a state hospital to which the offender was committed as a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, or confinement in a facility designated by the Director of Mental Health to which the offender was committed as a sexually violent predator under Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(I) "Law enforcement agency" means any of the following: municipal police department; sheriff's department; district attorney's office; county probation department; Department of Justice; Department of Corrections; Department of the Youth Authority; Department of the California Highway Patrol; or the police department of any state university, state college, or community college.

1 (2) The Department of Justice shall continually search  
2 the records provided to it pursuant to subdivision (b) and  
3 identify, on the basis of those records, high-risk sex  
4 offenders. Four times each year, the department shall  
5 provide to each chief of police and sheriff in the state, and  
6 to any other law enforcement agency upon request, the  
7 following information regarding each identified high-risk  
8 sexual offender: full name; known aliases; gender; race;  
9 physical description; photograph; date of birth; and  
10 crimes resulting in classification under this section.

11 (3) The Department of Justice and any law  
12 enforcement agency to which notice has been given  
13 pursuant to paragraph (2) may cause to be made public,  
14 by whatever means the agency deems necessary to  
15 ensure the public safety, based upon information  
16 available to the agency concerning a specific person,  
17 including, but not limited to, the information described  
18 in paragraph (2); the offender's address, which shall be  
19 verified prior to publication; description and license plate  
20 number of the vehicle or vehicles the offender is known  
21 to drive; type of victim targeted by the offender; relevant  
22 parole or probation conditions, such as one prohibiting  
23 contact with children; dates of crimes resulting in  
24 classification under this section; and date of release from  
25 confinement; but excluding information that would  
26 identify the victim.

27 (o) Agencies disseminating information to the public  
28 pursuant to subdivision (m) shall maintain records of the  
29 offender and the means and dates of dissemination for a  
30 minimum of five years.

31 (p) Law enforcement agencies, employees of law  
32 enforcement agencies, and state officials shall be immune  
33 from liability for good faith conduct under this section.

34 (q) Any person who uses information disclosed  
35 pursuant to this section to commit a felony shall be  
36 punished, in addition and consecutive to any other  
37 punishment, by a five-year term of imprisonment in the  
38 state prison. Any person who uses information disclosed  
39 pursuant to this section to commit a misdemeanor shall be  
40 subject to, in addition to any other penalty or fine

1 imposed, a fine of not less than five hundred dollars  
2 (\$500) and not more than one thousand dollars (\$1,000).

3 (r) The registration and public notification provisions  
4 of this section are applicable to every person described in  
5 these sections, without regard to when his or her crimes  
6 were committed or his or her duty to register pursuant to  
7 this section arose, and to every offense described in these  
8 sections, regardless of when it was committed.

9 ~~SEC. 2. No reimbursement is required by this act~~  
10 ~~pursuant to Section 6 of Article XIII B of the California~~  
11 ~~Constitution because the only costs that may be incurred~~  
12 ~~by a local agency or school district will be incurred~~  
13 ~~because this act creates a new crime or infraction,~~  
14 ~~eliminates a crime or infraction, or changes the penalty~~  
15 ~~for a crime or infraction, within the meaning of Section~~  
16 ~~17556 of the Government Code, or changes the definition~~  
17 ~~of a crime within the meaning of Section 6 of Article~~  
18 ~~XIII B of the California Constitution.~~

19 ~~Notwithstanding Section 17580 of the Government~~  
20 ~~Code, unless otherwise specified, the provisions of this act~~  
21 ~~shall become operative on the same date that the act~~  
22 ~~takes effect pursuant to the California Constitution.~~

